

SENATE BILL No. 512

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-15.

Synopsis: Youthful offender system program. Establishes the youthful offender system (YOS) program within the department of correction to allow for placement of youthful offenders in a regimented environment that assists in developing certain skills and values in an effort to deter the offender from becoming a repeat or more serious offender. Applies to offenders who are less than 19 years of age and commit a Class C or Class D felony. Provides that the YOS program consists of the following phases: (1) The intake, diagnostic, and orientation phase, which is based in part upon the traditional paramilitary boot camp.
(Continued next page)

Effective: July 1, 1999.

Mrvan, Washington

January 19, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.



C
o
p
y

(2) Phase I, which takes place at a secure facility for a period of 8 to 48 months, during which time the offender participates in diverse and individually tailored programs ranging from educational to behavioral in nature. (3) Phase II, which consists of a 3 month confinement to a residential facility. (4) Phase III, which consists of a period of community supervision. Allows a court to place a youthful offender in the YOS program for at least 2 but not more than 6 years. Requires the department of correction to collect certain data to evaluate the effectiveness of the program. Makes certain other changes relating to the YOS program.

C
o
p
y



Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 512

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 11-15 IS ADDED TO THE INDIANA CODE AS
2 A **NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,**
3 **1999]:**

4 **ARTICLE 15. YOUTHFUL OFFENDER SYSTEM PROGRAM**

5 **Chapter 1. Definitions**

6 **Sec. 1. The definitions in this chapter apply throughout this**
7 **article.**

8 **Sec. 2. "Participant" means a youthful offender who is**
9 **participating in the youthful offender system program.**

10 **Sec. 3. "YOS program" refers to the youthful offender system**
11 **program established under IC 11-15-2-1.**

12 **Sec. 4. "Youthful offender" means an offender who:**

13 **(1) is less than nineteen (19) years of age at the time of the**
14 **offense;**

15 **(2) has been convicted of a Class C or Class D felony by a**



1 court having criminal jurisdiction;

2 (3) has received a suspendible sentence under IC 35-50-2-2 or
3 IC 35-50-2-2.1; and

4 (4) appears likely to become a repeat or more serious offender
5 without effective intervention.

6 **Chapter 2. Youthful Offender System Program and Criteria**

7 **Sec. 1. The youthful offender system (YOS) program is**
8 **established within the department to allow for placement of**
9 **youthful offenders in a controlled and regimented environment**
10 **that:**

11 (1) affirms the dignity of youthful offenders and their
12 relationship to others;

13 (2) promotes the value of work and self-discipline;

14 (3) develops useful skills and abilities through enriched
15 programming; and

16 (4) provides effective intervention for youthful offenders who
17 are likely to become repeat or more serious offenders without
18 intervention.

19 **Sec. 2. The department shall develop and implement the YOS**
20 **program based upon principles that do the following:**

21 (1) Provide for self-discipline by providing clear consequences
22 for youthful offenders for inappropriate behavior.

23 (2) Include a daily regimen that involves the youthful
24 offenders in:

25 (A) physical training;

26 (B) self-discipline exercises;

27 (C) educational and work programs; and

28 (D) meaningful interaction;

29 with a component for a tiered system for swift and strict
30 discipline for noncompliance.

31 (3) Use staff models and mentors to promote within youthful
32 offenders the development of socially accepted attitudes and
33 behaviors.

34 (4) Provide youthful offenders with instruction on problem
35 solving skills and incorporate methods to reinforce the use of
36 cognitive behavior strategies that change offenders'
37 orientation toward criminal thinking and behavior.

38 (5) Promote among youthful offenders the creation and
39 development of new group cultures that result in the
40 application of positive peer influence that promotes
41 behavioral change.

42 (6) Provide youthful offenders with the opportunity to

C
O
P
Y



reenter the community gradually while demonstrating the capacity for self-discipline and the attainment of respect for the community.

Sec. 3. (a) The department may adopt rules under IC 4-22-2 to develop and administer the YOS program at a facility or facilities determined by the department.

(b) The YOS program must provide for an intake, diagnostic, and orientation phase and Phase I through Phase III as described in sections 4 through 7 of this chapter.

Sec. 4. (a) The intake, diagnostic, and orientation phase must be approximately one (1) month in duration.

(b) The intake process establishes the foundation for:

- (1)** assessing the participant's characteristics; and
- (2)** developing an individual program plan for the participant.

(c) During the diagnostic process, a multidisciplinary team shall design an integrated and individualized program plan for the participant in an effort to maximize positive change.

(d) During the intake, diagnostic, and orientation phase under this section, all participants, when not involved in orientation or diagnostic activities, are subject to a highly structured regimen based upon the traditional paramilitary boot camp model.

Sec. 5. (a) Phase I provides intensive residential programming in a secure facility for at least eight (8) months but not more than four (4) years and eight (8) months, depending upon the participant's period of probation. Each unit must house not more than sixteen (16) residents and serve a small community in which:

- (1)** incentives;
- (2)** negative consequences; and
- (3)** peer pressure;

are used to discourage antisocial thinking and behavior.

(b) Each participant participates in a core program that emphasizes:

- (1)** academic education;
- (2)** cognitive restructuring; and
- (3)** prevocational and vocational education.

(c) Each participant also participates in supplementary programs tailored to the participant's program plan.

(d) Phase I is staffed by multidisciplinary teams, with each team member sharing in the responsibilities of:

- (1)** security;
- (2)** discipline;
- (3)** education;

C
o
p
y



1 (4) treatment; and
 2 (5) behavior modification;
 3 of the participants.

4 (e) The department may contract with private providers to
 5 operate Phase I if the YOS program reaches its capacity at the
 6 specified location and until permanent facilities are available for
 7 the YOS program. Youthful offenders under the supervision of a
 8 contract provider during Phase I are to be returned to the
 9 supervision of the department upon completion of Phase I.

10 Sec. 6. (a) Phase II must be administered during the last three
 11 (3) months of the period of confinement during which time the
 12 department is authorized to transfer a participant to a residential
 13 facility that provides for twenty-four (24) hour custody of the
 14 participant.

15 (b) Phase II:

16 (1) is a three (3) month transition program that supports the
 17 progress made in phase I;

18 (2) establishes the basis for reintegration into the community
 19 during Phase III;

20 (3) offers education, life skills, and prevocational training;
 21 and

22 (4) engages the participant in the development of a Phase III
 23 plan that addresses:

24 (A) living arrangements;

25 (B) education;

26 (C) employment; and

27 (D) community service.

28 Sec. 7. Phase III must be administered for the period of
 29 community supervision that remains after the completion of Phase
 30 II and during which the participant is monitored as the participant
 31 reintegrates into society. The community supervision must consist
 32 of:

33 (1) highly structured surveillance and monitoring; and

34 (2) education and treatment programs.

35 Sec. 8. In administering the YOS program, the department may
 36 do the following:

37 (1) Transfer a participant to an appropriate facility for the
 38 purpose of redirecting a participant's goals, provided that the
 39 transfer does not jeopardize the safety and welfare of the
 40 participant.

41 (2) Operate an emancipation program and provide other
 42 support or monitoring services and residential placement for



participants placed in Phase II and Phase III for whom family reintegration poses difficulties. The department shall provide reintegration support services to a participant placed in an emancipation program.

Sec. 9. The department shall address the following components in implementing the YOS program:

(1) The specific content and structure of the programs for participants, including:

(A) staffing ratios for each program;

(B) a description of the daily routine of participants that includes the amount of the participant's time that is allocated to each program; and

(C) the development of programs that are related to the principles described in section 2 of this chapter.

(2) The process used for transition to community supervision, including:

(A) whether participants may be returned to their home environments for the supervised period;

(B) the specific means of community supervision; and

(C) the specific educational and treatment programs provided to participants during community supervision.

(3) The procedure for transferring a participant to another facility:

(A) for vocational or training services; or

(B) when a participant poses a danger to the participant's self or others;

and identification of the facilities for these purposes.

(4) The specific criteria and procedures for determining the following:

(A) The successful completion of the YOS program.

(B) Revocation of community supervision.

Sec. 10. (a) The department shall employ appropriately trained personnel to administer the YOS program who are:

(1) trained in the treatment of youthful offenders;

(2) trained to act as role models and mentors; and

(3) equipped to enable the YOS program to meet the principles described in section 2 of this chapter.

(b) The commissioner of the department shall make a recommendation regarding the classification of employment positions within the YOS system, taking into account the level of education and training required for the positions.

Sec. 11. A participant may not earn:



1 (1) credit under any statute or rule; or
 2 (2) any other benefit;
 3 that reduces the period of YOS program participation below two
 4 (2) years.

5 Sec. 12. During any period of incarceration under the YOS
 6 program, televisions, radios, entertainment systems, snacks, and
 7 any other specified privileges may not be available to a youthful
 8 offender unless the privileges have been earned under a merit
 9 system.

10 Sec. 13. (a) The department shall determine the number of
 11 youthful offenders in any phase of the YOS program based upon
 12 available appropriations and funding.

13 (b) The department is encouraged to contract with any private
 14 or public entity for the provision of services and facilities under the
 15 YOS program.

16 Chapter 3. Court Participation and YOS Program Completion

17 Sec. 1. (a) As a condition of probation, a court may place a
 18 youthful offender in the YOS program if the youthful offender
 19 meets the eligibility criteria developed by the department.

20 (b) The department shall adopt rules under IC 4-22-2
 21 concerning criteria for the selection of youthful offenders to
 22 participate in the YOS program, including the following:

23 (1) A participant must not have a physical limitation that
 24 would preclude participation in strenuous activity.

25 (2) A participant must not be mentally impaired.

26 Sec. 2. If the department determines that:

27 (1) a youthful offender is eligible to participate in the YOS
 28 program; and

29 (2) space is available;

30 the department shall place the person in the YOS program.

31 Sec. 3. If the department:

32 (1) receives a recommendation for YOS program placement
 33 under section 1 of this chapter; and

34 (2) determines that the youthful offender is not eligible to
 35 participate in the YOS program;

36 the department shall notify the sentencing court.

37 Sec. 4. Whenever the court orders that a youthful offender be
 38 placed in the YOS program, the court shall do the following:

39 (1) Order the youthful offender's placement for a period of
 40 not less than two (2) years and not more than six (6) years.

41 (2) Grant authority to the department to place a youthful
 42 offender under a period of community supervision for a

C
O
P
Y



period of:

(A) not less than six (6) months; and

(B) not more than twelve (12) months;

any time after the date on which the participant has twelve (12) months remaining on the participant's placement.

Sec. 5. (a) Upon successful completion of the YOS program, including the mandatory period of supervision, the department shall discharge the participant.

(b) The department may expel a participant from the YOS program if the YOS program personnel find that the participant:

(1) has engaged in misconduct under rules adopted by the department; or

(2) has failed to adapt to the YOS program regimen.

Sec. 6. The department shall implement a procedure for returning participants who are unable to successfully complete the sentence to the YOS program to the sentencing court for further disposition.

Chapter 4. Program Evaluation

Sec. 1. To determine the YOS program's effectiveness, the department shall evaluate the following aspects of the program:

(1) Screening.

(2) Assessment.

(3) Diagnosis.

(4) Program services.

(5) Reentry to the community.

(6) Community follow-up.

Sec. 2. The department shall collect data from participant interviews, clinical assessments, and other appropriate sources that measure the following with respect to participants:

(1) Relapses into criminal behavior.

(2) Gang membership.

(3) Drug and alcohol dependence.

(4) Psychological, social, and physical impairment.

Sec. 3. The primary goals of the YOS program evaluation are to do the following:

(1) Determine the program's effectiveness in reducing:

(A) criminal behavior;

(B) arrests; and

(C) commitments to the department.

(2) Examine the cost effectiveness of the program relative to the costs of:

(A) institutional commitment; and

C
o
p
y



- 1 (B) community supervision.
- 2 (3) Assess a participant's progress over the course of the
- 3 participant's placement in the YOS program in:
- 4 (A) skills development;
- 5 (B) emotional functioning; and
- 6 (C) motivation.
- 7 (4) Evaluate the community adjustment of participants in:
- 8 (A) employment;
- 9 (B) involvement in treatment; and
- 10 (C) use of community services.
- 11 (5) Identify participant characteristics that predict positive
- 12 outcomes relating to a participant's ability to successfully
- 13 complete the YOS program.
- 14 (6) Follow participants to determine whether program
- 15 assessments and interventions are provided as intended and
- 16 according to:
- 17 (A) curriculum program manuals; and
- 18 (B) other program provider guidelines.
- 19 SECTION 2. [EFFECTIVE JULY 1, 1999] IC 11-15, as added by
- 20 this act, applies to a youthful offender who is sentenced for an
- 21 offense after June 30, 1999.

C
o
p
y